

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

MARK L. KROTOSKI (CASBN 138549)
Chief, Criminal Division

ANDREW P. CAPUTO (CASBN 203655)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7004
Fax: (415) 436-7234
Email: andrew.caputo@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0103 WHA
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A) & (h)(1)(F))
DONIEL NUNN,)	
)	
Defendant.)	

With the agreement of the parties, and with the consent of defendant Doniel Nunn, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from March 27, 2007, to April 17, 2007, as well as the exclusion of time from March 19, 2007, to March 23, 2007, due to the United States's motion for detention. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act from March 27, 2007, to April 17, 2007. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. Defendant's counsel has requested time to review recently provided discovery and to confer with his client.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from March 27, 2007, to April 17, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, at the hearing on March 27, 2007, the Court ordered that the period from March 27, 2007, to April 17, 2007, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. Defendant had his initial appearance on March 19, 2007. At the initial appearance, the United States moved for detention, and United States Magistrate Judge Joseph C. Spero set a detention hearing for March 23, 2007. The United States's detention motion was resolved on March 23, when defendant elected to waive without prejudice findings on detention. The parties agree, and at the March 27 hearing the Court found, that the period from March 19, 2007, to March 23, 2007, is properly excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(1)(F), due to the pendency of the government's detention motion.

IT IS SO STIPULATED.

DATED: March 28, 2007

/s/
STEVEN KOENINGER
Attorney for Defendant

DATED: March 27, 2007

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED: March 29, 2007


HON. WILLIAM H. ALSUP
United States District Judge